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Agenda item 100

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Report of the First Committee

Rapporteur: Ms. Tetyana **Pokhval'ona** (Ukraine)

I. Introduction

1. The item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" was included in the provisional agenda of the sixty-fourth session of the General Assembly in accordance with Assembly resolution 63/85 of 2 December 2008.

2. At its 2nd plenary meeting, on 18 September 2009, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 5 October 2009, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 86 to 103. The general debate on those items was held at the 2nd to 8th meetings, from 5 to 9 and on 12 October (see A/C.1/64/PV.2-8). The Committee also held 10 meetings, from 13 to 16 and from 19 to 23 October, for an exchange of views with the High Representative for Disarmament Affairs and other high-level officials, as well as panel discussions with independent experts and follow-up to resolutions and decisions adopted at previous sessions (see A/C.1/64/PV.9-18). Thematic discussions on the items were held, and draft resolutions were introduced and considered, at the 9th to 18th meetings, from 13 to 16 and from 19 to 23 October (see A/C.1/64/PV.9-18). Action on all draft resolutions was taken at the 19th to 23rd meetings, from 27 to 30 October and on 2 November (see A/C.1/64/PV.19-23).

4. No documents were submitted for consideration under this item.

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II. Consideration of draft resolution A/C.1/64/L.37

5. At the 14th meeting, on 19 October, the representative of Sweden, on behalf of Lithuania, Pakistan, Sweden and Switzerland, introduced a draft resolution entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" (A/C.1/64/L.37).

6. At the 21st meeting, on 29 October, the Secretary of the Committee made a statement on behalf of the Secretary-General concerning the financial implications of draft resolution A/C.1/64/L.37.

7. At the same meeting, the Committee adopted draft resolution A/C.1/64/L.37 without a vote (see para. 8).

III. Recommendation of the First Committee

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 63/85 of 2 December 2008,

Recalling with satisfaction the adoption and the entry into force of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,[1] and its amended article 1,[2] and the Protocol on Non-Detectable Fragments (Protocol I),[1] the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)[1] and its amended version,[3] the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III),[1] the Protocol on Blinding Laser Weapons (Protocol IV)[4] and the Protocol on Explosive Remnants of War (Protocol V),[5]

Welcoming the results of the Third Review Conference of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, held from 7 to 17 November 2006 in Geneva,

Welcoming also the results of the 2008 Meeting of the High Contracting Parties to the Convention, held on 13 and 14 November 2008 in Geneva,

Welcoming further the results of the Tenth Annual Conference of the High Contracting Parties to Amended Protocol II, held on 12 November 2008 in Geneva,

Welcoming the results of the Second Conference of the High Contracting Parties to Protocol V, held on 10 and 11 November 2008 in Geneva,

Recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto, and welcoming the particular efforts of various international, non-governmental and other organizations in raising awareness of the humanitarian consequences of explosive remnants of war,

1. *Calls upon* all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[1] and the Protocols

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[1] United Nations, *Treaty Series*, vol. 1342, No. 22495.
[2] Ibid., vol. 2260, No. 22495.
[3] Ibid., vol. 2048, No. 22495.
[4] Ibid., vol. 2024, No. 22495.
[5] Ibid., vol. 2399, No. 22495.

thereto, as amended, with a view to achieving the widest possible adherence to these instruments at an early date, and so as to ultimately achieve their universality;

2. *Calls upon* all States parties to the Convention that have not yet done so to express their consent to be bound by the Protocols to the Convention and the amendment extending the scope of the Convention and the Protocols thereto to include armed conflicts of a non-international character;

3. *Emphasizes* the importance of the universalization of the Protocol on Explosive Remnants of War (Protocol V);[5]

4. *Welcomes* the additional ratifications and acceptances of or accessions to the Convention, as well as the consents to be bound by the Protocols thereto;

5. *Also welcomes* the adoption by the Third Review Conference of the High Contracting Parties to the Convention of a Plan of Action to promote universality of the Convention and its annexed Protocols,[6] and expresses appreciation for the continued efforts of the Secretary-General, as depositary of the Convention and its annexed Protocols, the Chairperson of the Meeting of the High Contracting Parties to the Convention, the President of the Second Conference of the High Contracting Parties to Protocol V and the President of the Tenth Annual Conference of the High Contracting Parties to Amended Protocol II, on behalf of the High Contracting Parties, to achieve the goal of universality;

6. *Recalls* the decision by the Third Review Conference to establish a Sponsorship Programme within the framework of the Convention,[7] and, with recognition of the value and importance of the programme, encourages States to contribute to the Sponsorship Programme;

7. *Welcomes* the commitment by States parties to continue to address the humanitarian problems caused by certain specific types of munitions in all their aspects, including cluster munitions, with a view to minimizing the humanitarian impact of these munitions;

8. *Expresses support* for the work conducted in 2009 by the Group of Governmental Experts of the High Contracting Parties to the Convention to continue its negotiations to address urgently the humanitarian impact of cluster munitions, while striking a balance between military and humanitarian considerations, in accordance with the mandate given to it by the Meeting of the High Contracting Parties, in November 2008;[8]

9. *Welcomes* the commitment of States parties to the Protocol on Explosive Remnants of War (Protocol V) to the effective and efficient implementation of the Protocol and the implementation of the decisions of the First and Second Conferences of the High Contracting Parties to the Protocol establishing a comprehensive framework for the exchange of information and cooperation,[9] and also welcomes the holding of the second Meeting of Experts of the High Contracting Parties to the Protocol, from 22 to 24 April 2009 in Geneva, as a mechanism for consultation and cooperation among the States parties;

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[6] See CCW/CONF.III/11 (Part II), annex III.

[7] Ibid., annex IV.

[8] See CCW/MSP/2008/4, para. 34.

[9] See CCW/P.V/CONF/2007/1 and Corr.1 and 2, and CCW/P.V/CONF/2008/12.

10. *Notes* the decision of the Tenth Annual Conference of the High Contracting Parties to Amended Protocol II to establish an informal open-ended Group of Experts,[10] and welcomes the holding of the first session of the Group of Experts of the High Contracting Parties to Amended Protocol II, on 20 and 21 April 2009 in Geneva, to exchange national practices and experiences and to assess the implementation of the Protocol;

11. *Also notes* that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by existing Protocols or to review the scope and application of the Convention and the Protocols thereto and to examine any proposed amendments or additional protocols;

12. *Requests* the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the Third Conference of the High Contracting Parties to Protocol V, to be held on 9 and 10 November 2009, for the Eleventh Annual Conference of the High Contracting Parties to Amended Protocol II, to be held on 11 November 2009, and for the Meeting of the High Contracting Parties to the Convention, to be held on 12 and 13 November 2009, as well as for any continuation of work after the meetings;

13. *Also requests* the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform the General Assembly periodically, by electronic means, of ratifications and acceptances of and accessions to the Convention, its amended article 1[2] and the Protocols thereto;

14. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".

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[10] See CCW/AP.II/CONF.10/2, para. 23.